

## SENATE BILL No. 216

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### DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 9-21-18; IC 35-31.5-2-304; IC 35-33-8.

**Synopsis:** Traffic enforcement on private property and bail. Allows the owner or lessee of a residential apartment complex to contractually empower local law enforcement agencies to enforce traffic ordinances on the premises of the residential apartment complex. Requires a court to conduct a bail hearing for a person convicted of: (1) any felony offense; (2) a domestic battery offense; or (3) an offense relating to failure to appear or to respond to a summons; before admitting the person to bail. Unless certain circumstances apply, requires the bail hearing to be conducted not later than 48 hours after arrest. Requires the court, at the bail hearing's conclusion, to consider whether certain factors warrant imposition of a bail amount exceeding court or county guidelines, if applicable. Repeals a statute requiring a bail hearing for sexually violent predators. Makes conforming amendments.

**Effective:** July 1, 2016.

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## Hershman

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January 7, 2016, read first time and referred to Committee on Judiciary.

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Second Regular Session 119th General Assembly (2016)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2015 Regular Session of the General Assembly.

## SENATE BILL No. 216

A BILL FOR AN ACT to amend the Indiana Code concerning public safety.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 9-21-18-1 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. This chapter applies  
3 to privately owned real property on which the public is invited to travel  
4 for business **or residential** purposes.

5 SECTION 2. IC 9-21-18-2 IS AMENDED TO READ AS  
6 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. As used in this  
7 chapter, "private business property", "**residential apartment**  
8 **complex**", or "shopping center" may be defined by ordinance of the  
9 unit entering into a contract under this chapter.

10 SECTION 3. IC 9-21-18-4 IS AMENDED TO READ AS  
11 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. A unit and the owner  
12 or lessee of a **residential apartment complex**, shopping center, or  
13 private business property located within the unit may contract to  
14 empower the unit to regulate by ordinance the parking of vehicles and  
15 the traffic at the **residential apartment complex**, shopping center, or  
16 private business property, subject to approval by the fiscal body of the  
17 unit by ordinance.



1 SECTION 4. IC 9-21-18-5 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. A contract entered  
3 into under section 4 of this chapter may provide for the following:

4 (1) The erection by the unit of the stop signs, flashing signals, or  
5 yield signs at specified locations in a parking area and the  
6 adoption of appropriate regulations, or the designation of an  
7 intersection in the parking area as a stop intersection or as a yield  
8 intersection and the ordering of signs or signals at one (1) or more  
9 entrances to that intersection.

10 (2) The prohibition or regulation of the turning of vehicles or  
11 specified types of vehicles at intersections or other designated  
12 locations in the parking areas.

13 (3) The regulation of a crossing of a roadway in the parking area  
14 by pedestrians.

15 (4) The designation of a separate roadway in the parking area for  
16 one-way traffic.

17 (5) The establishment and regulation of loading zones.

18 (6) The prohibition, regulation, restriction, or limitation of the  
19 stopping, standing, or parking of vehicles in specified areas of the  
20 parking area.

21 (7) The designation of safety zones in the parking area and fire  
22 lanes.

23 (8) The removal and storage of vehicles parked or abandoned in  
24 the parking area during snowstorms, floods, fires, or other public  
25 emergencies, or found unattended in the parking area where the  
26 vehicles constitute an obstruction to traffic, or where stopping,  
27 standing, or parking is prohibited, and for the payment of  
28 reasonable charges for the removal and storage by the person who  
29 owns or operates the vehicle.

30 (9) The cost of planning, installation, maintenance, and  
31 enforcement of parking and traffic regulations to be paid by the  
32 unit, by the property owner or lessee, or for a percentage of that  
33 cost to be shared by both the unit and the property owner or  
34 lessee.

35 (10) The installation of parking meters on the **residential**  
36 **apartment complex**, shopping center, or private business  
37 property parking area. The contract may establish whether the  
38 expense of installing those parking meters and maintenance of the  
39 parking meters is that of the unit or that of the **residential**  
40 **apartment complex**, shopping center, or private business  
41 property owner or lessee, and whether any money obtained from  
42 those parking meters belongs to the unit or to the **residential**



1 **apartment complex**, shopping center, or private business  
 2 property owner or lessee.

3 (11) Additional reasonable regulations with respect to traffic and  
 4 parking in a parking area as local conditions may require for the  
 5 safety and convenience of the public or of the users of the parking  
 6 area.

7 SECTION 5. IC 9-21-18-6 IS AMENDED TO READ AS  
 8 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 6. A contract entered  
 9 into between a unit and a **residential apartment complex**, shopping  
 10 center, or private business property owner under this chapter may not  
 11 exceed twenty (20) years. A lessee of a **residential apartment**  
 12 **complex**, shopping center, or private business property may not enter  
 13 into a contract under this chapter for a longer period of time than the  
 14 length of the lease.

15 SECTION 6. IC 9-21-18-7 IS AMENDED TO READ AS  
 16 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 7. A contract entered  
 17 into between a unit and a **residential apartment complex**, shopping  
 18 center, or private business property owner or lessee under this chapter  
 19 shall be recorded with the county recorder in the county in which the  
 20 unit is located. No regulation made under the contract may take effect  
 21 until three (3) days after the contract is recorded. Signs shall be posted  
 22 within the **residential apartment complex**, shopping center, or private  
 23 business property not later than three (3) days after the contract is  
 24 recorded stating that **residential apartment complex**, shopping center,  
 25 or private business property parking and traffic regulations are  
 26 enforceable by local law enforcement officials.

27 SECTION 7. IC 9-21-18-8 IS AMENDED TO READ AS  
 28 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 8. The unit may adopt  
 29 an ordinance providing for punishment of violations of the parking and  
 30 traffic regulations in effect at a **residential apartment complex**,  
 31 shopping center, or private business property under the contract.

32 SECTION 8. IC 35-31.5-2-304 IS REPEALED [EFFECTIVE JULY  
 33 1, 2016]. Sec. 304. "Sexually violent predator defendant", for purposes  
 34 of IC 35-33-8-3.5; has the meaning set forth in IC 35-33-8-3.5(b).

35 SECTION 9. IC 35-33-8-3.5 IS REPEALED [EFFECTIVE JULY  
 36 1, 2016]. Sec. 3.5: (a) This section applies only to a sexually violent  
 37 predator defendant.

38 (b) As used in this section, "sexually violent predator defendant"  
 39 means a person who:

- 40 (1) is a sexually violent predator under IC 35-38-1-7.5; and  
 41 (2) is arrested for or charged with the commission of an offense  
 42 that would classify the person as a sex or violent offender (as



defined in IC 11-8-8-5);

(c) A court may not admit a:

(1) sexually violent predator defendant;

(2) person charged with child molesting (IC 35-42-4-3); or

(3) person charged with child solicitation (IC 35-42-4-6);

to bail until the court has conducted a bail hearing in open court.

Except as provided in section 6 of this chapter, the court shall conduct a bail hearing not later than forty-eight (48) hours after the person has been arrested, unless exigent circumstances prevent holding the hearing within forty-eight (48) hours.

(d) At the conclusion of the hearing described in subsection (c), the court shall consider whether the factors described in IC 35-33-8-4 warrant the imposition of a bail amount that exceeds court or county guidelines, if applicable.

SECTION 10. IC 35-33-8-3.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 3.7. (a) This section applies only to a person convicted of:**

(1) any felony offense;

(2) an offense under IC 35-42-2-1.3; or

(3) an offense under IC 35-44.1-2-9 or IC 35-44.1-2-10.

(b) A court may not admit a person described under subsection (a) to bail until the court has conducted a bail hearing in open court. Except as provided in section 6 of this chapter, the court shall conduct a bail hearing not later than forty-eight (48) hours after the person has been arrested, excluding intervening Saturdays, Sundays, and legal holidays, unless exigent circumstances prevent holding the hearing within forty-eight (48) hours.

(c) At the conclusion of a hearing described in subsection (b), the court shall consider whether the factors described under section 4 of this chapter warrant the imposition of a bail amount that exceeds court or county guidelines, if applicable.

